

**AGENDA MEMO**

CITY COUNCIL MEETING DATE: JANUARY 19, 2011

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: FULLER-BUSTOS, LLC

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
EOT-40395	Staff recommends APPROVAL, subject to conditions:	None

**** CONDITIONS ****

EOT-40395 CONDITIONS

Planning and Development

1. This request for an Extension of Time for a non-conforming Tavern located at 1631 North Decatur Boulevard shall expire on December 14, 2011 unless another extension of time request is approved by City Council.

Staff Report Page One
January 19, 2011 - City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for an Extension of Time of a non-conforming use for a former Tavern at 1631 North Decatur Boulevard. On December 14, 2009, business license L16-00198 for a Tavern was classified as out of business with no subsequent licenses applied for at the subject site. On October 6, 2010, the City Council adopted Bill 2010-40, Ordinance 6114 that allowed the owner of property deemed abandoned for a period of time greater than the applicable abandonment period to request the abandonment period extended through an Extension of Time application. If approved, the Extension of Time request is not to exceed the duration of the applicable abandonment period, which is one year.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
12/07/88	The City Council approved a request for a Petition to Annex (A-0013-88) approximately 0.71 acres located at 1631 North Decatur Boulevard. The Planning Commission recommended approval with the annexation becoming effective on 12/16/88.
10/06/10	The City Council adopted Bill 2010-40, Ordinance 6114 to authorize under certain circumstances an Extension of Time regarding non-conforming uses. Planning Commission recommended approval.

<i>Most Recent Change of Ownership</i>	
01/26/06	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
12/14/09	A business license (L16-00198) for a Tavern at 1631 North Decatur Boulevard was annotated as out of business. No other license for the use has been requested.
05/13/10	A business license (G01-02276) for Restricted Gaming at 1631 North Decatur Boulevard was annotated as out of business. No other license for the use has been requested.
No recent building permits have been requested or issued for the subject site.	

Staff Report Page Two
January 19, 2011 - City Council Meeting

Pre-Application Meeting

A pre-application meeting was not required, nor was one held.

Neighborhood Meeting

A neighborhood meeting was not required, nor was one held.

Details of Application Request

Site Area

Gross Acres	0.50
-------------	------

<i>Surrounding Property</i>	<i>Existing Land Use Per Title 19.04</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Vacant Building-Tavern	GC (General Commercial)	C-1 (Limited Commercial)
North	Minor Auto Repair Garage	SC (Service Commercial)	C-1 (Limited Commercial)
South	Major Auto Repair Garage	SC (Service Commercial)	C-1 (Limited Commercial)
East	Major Auto Repair Garage	SC (Service Commercial)	C-1 (Limited Commercial)
West	Mini Warehouse Facility	GC (General Commercial)	C-2 (General Commercial)

<i>Master Plan Areas</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Master Plan Area		X	N/A
<i>Special Purpose and Overlay Districts</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (105 feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

Staff Report Page Three
January 19, 2011 - City Council Meeting

ANALYSIS

On December 14, 2009, business license L16-00198 for a Tavern was classified as out of business with no subsequent licenses applied for at the subject site. In accordance with Bill 2010-40, Ordinance 6114, a public hearing is required so as to notify neighboring homeowners and registered associations the opportunity for comment.

FINDINGS

The applicant states that poor economic conditions in Las Vegas have hampered their ability to secure a prospective buyer or lease for the property. Bill 2010-40, Ordinance 6114 allows for an Extension of Time when the request is due to an economic hardship based upon market conditions or other circumstances beyond the applicant's control. As the request does not jeopardize public health, safety and welfare and falls within the intent of Bill 2010-10, staff is recommending approval with a one-year time limit.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

14

NOTICES MAILED

410 (By Planning)

APPROVALS

0

PROTESTS

0